

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DENISHA M. SEALS,

Plaintiff,

vs.

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA, and
MARGARETTE CHRISTENSEN, PhD;

Defendants.

8:22CV420

ORDER

On July 24, 2024, the Court held a telephone conference to discuss a pending discovery dispute between the parties. The Court made rulings on the record and summarizes them herein.

IT IS ORDERED:

1. With regard to Defendants' First Set of Requests for Production No. 13, Plaintiff is to reactivate any relevant social media accounts, to the extent possible, and respond to the request in full. If Plaintiff is unable to activate her Facebook account, which she has previously "deactivated" and/or "deleted", she is to provide an affidavit regarding such. Furthermore, if Plaintiff does not have any responsive information regarding any social media accounts, she is to delineate the accounts she reviewed and indicate such in an affidavit. Such information shall be provided to Defendant on or before August 7, 2024.
2. Plaintiff's objection to Defendant's Subpoena to Dr. Sheritta Strong is overruled. Defendant can serve their subpoena upon Dr. Strong.

3. Plaintiff shall sign the Social Security Administration Authorization at issue and provide to Defendants on or before August 7, 2024.
4. For the reasons set forth on the record, Plaintiff's First Set of Interrogatories Nos. 12 and 19 are overly broad as drafted. Defendant is to disclose to Plaintiff the names of all first- or second-year teaching assistants, who worked for Dr. Christensen, during the time Plaintiff was a teaching assistant for Dr. Christensen. Defendant is also to disclose the race and contact information available for such individuals identified.
 - a. With regard to these documents, and in order to comply with the Family Educational Rights and Privacy Act ("FERPA"), Defendants are to make a reasonable effort to notify affected non-parties of this order. When doing so, Defendants shall attach this order and indicate that, if any non-party has objections to the disclosure of their information, such objection shall be made in this Court within 14 days of receiving notice.
 - b. Defendants are to provide the notice to any affected non-parties by July 31, 2024.
 - c. Defendants are to provide the above-referenced information to Plaintiff within 7 days of the notice period expiring for the non-parties, assuming no objections have been made.
5. Defendants are ordered to supplement their answers to Plaintiff's First Set of Interrogatories No. 16 as information becomes available in discovery and before the close of discovery.
6. For the reasons set forth on the record, Plaintiff's Second Set of Interrogatories No. 20 is overly broad as drafted. Defendants are ordered to respond to the narrowed interrogatory as set forth below:

Identify how many complaints of discrimination based on race
[] were filed against [the English Department at the University
of Nebraska at Omaha] in the last five years through the EEOC
[by teaching assistants].

Defendant is to provide this information to Plaintiff on or before August 7, 2024.

7. For the reasons set forth on the record, Plaintiff's First Set of Request for Production of Documents No. 11 is overly broad as drafted. Defendant is to produce any documents in Dr. Christensen's personnel file that fall into the following categories:
 - a. Documents regarding complaints of racial discrimination by Dr. Christensen;
 - b. Documents regarding interactions between Dr. Christensen and Plaintiff or that relate to events in alleged in the complaint at issue; and
 - c. Dr. Christensen's evaluations from 2018 to 2023.

Defendants are to provide this information to Plaintiff on or before August 7, 2024.

8. Defendants' objections to Plaintiff's Second Set of Requests for Admission Nos. 2 and 3 are sustained.
9. The Verification of Interrogatories provided by Defendants are appropriate.
10. The parties' statements summarizing the their respective positions on the disputed topics, as well as any corresponding documents, are attached herein as Attachment A. The Clerk of the Court is directed to file Attachment A as restricted access.

Dated this 25th day of July, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge